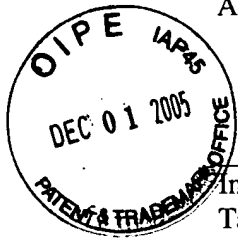


Application No.: 10/677,366

Docket No.: KPC-289/DIV
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tadahiro NAKAO et al.

Application No.: 10/677,366

Confirmation No.: 9819

Filed: October 3, 2003

Art Unit: 1712

For: COLD SETTING COATING COMPOSITION

Examiner: Robert E. Sellers

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated November 4, 2005, Applicant hereby provisionally elects Group (B), draw to a polymer dispersion, **with traverse**.

The invention claimed in the present application is not divisible into separate species as indicated by the restriction requirement. It appears that the Examiner has mistakenly interpreted the **separate components** of the claimed invention as being **separate species or embodiments**.

However, Group (A) (urethane modified vinyl resins) and Group (B) (polymer dispersion) of the present application, as illustrated in claim 10, **are not divisible components**; no alternative between the two components is indicated in the claim, rather the two components are claimed together, and thus are **not independent or distinct inventions** (*see MPEP 803 concerning Criteria for Restriction between Patentably Distinct Inventions, also MPEP 802.01 which defines the meaning of both "Independent" and "Distinct" as applied in restriction practice*). Thus, what is claimed in claim 10 is a "**cold setting coating composition comprising: an urethane-modified vinyl resin (A)" ...and a polymer dispersion (B).**"

The Examiner attempts to demonstrate that Group (A) and (B) are distinct species of the invention by referencing Production Examples 1 and 9. However, by way of clarification, Production Example 1 is an example of the "**Production of Urethane-Modified Vinyl Resin Solutions**" (Page 16, line 9); a urethane-modified vinyl resin is Component (A) of the claimed invention, **not an independent or distinct species or embodiment of the invention**.

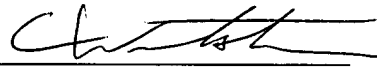
Production Example 9 is an example of the "Production of Polymer Dispersions" (Page 2, line 27); a polymer dispersion is Component (B) of the claimed invention, also **not an independent or distinct species or embodiment of the invention.**

Withdrawal of the Restriction Requirement is therefore courteously solicited. Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected groups.

Receipt of the initial Office Action on the merits is awaited.

Dated: December 1, 2005

Respectfully submitted,

By 

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